

§ 29b.7

(f) Coordinate, to the extent practicable, audits or reviews made for Federal agencies that are in addition to the audits made pursuant to this part, so that the additional audits or reviews build upon audits performed in accordance with this part;

(g) Ensure the resolution of audit findings that affect the programs of more than one agency;

(h) Seek the views of other interested agencies before completing a coordinated program; and

(i) Help coordinate the audit work and reporting responsibilities among independent public accountants, State auditors, and both resident and non-resident Federal auditors to achieve the most cost-effective audit.

§ 29b.7 Oversight agency responsibilities.

An oversight agency shall provide technical advice and counsel to institutions and independent auditors when requested by the recipient. The oversight agency may assume all or some of the responsibilities normally performed by a cognizant agency.

§ 29b.8 Recipient responsibilities.

A recipient that receives a Federal award and provides \$25,000 or more of it during its fiscal year to a sub-recipient shall:

(a) Ensure that nonprofit sub-recipients that receive \$25,000 or more have met the audit requirements of this part, and that sub-recipients subject to part 29a, "Audit Requirements for State and Local Governments," have met the audit requirements of that part;

(b) Ensure that appropriate corrective action is taken within six months after receipt of the sub-recipient audit report in instances of noncompliance with Federal laws and regulations;

(c) Consider whether sub-recipient audits necessitate adjustment of the recipient's own records; and

(d) Require each sub-recipient to permit independent auditors to have access to the records and financial statements as necessary for the recipient to comply with this part.

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§ 29b.9 Relation to other audit requirements.

(a) An audit made in accordance with this part shall be in lieu of any financial audit required under individual Federal awards to the extent that it provides the Department with the information and assurances it needs to carry out its overall responsibilities, it shall rely upon and use such information. However, the Department shall make any additional audits or reviews necessary to carry out responsibilities under Federal law and regulations. Any additional Federal audits or reviews shall be planned and carried out in such a way as to build upon work performed by the independent auditor.

(b) Audit planning within the Department shall consider the extent to which reliance can be placed upon work performed by other auditors. Such auditors include Federal, State, local, and other independent auditors, and a recipient's internal auditors. Reliance placed upon the work of other auditors should be documented and in accordance with "Government Auditing Standards."

(c) The provisions of this part do not limit the authority of the Department to make or contract for audits and evaluations of Federal awards, nor do they limit the authority of the Inspector General or other Federal official.

(d) The provisions of this part do not authorize any institution or sub-recipient thereof to constrain the Department, in any manner, from carrying out additional audits, evaluations or reviews.

(e) The Department, when making or contracting for audits in addition to the audits made by recipients pursuant to this part, shall, consistent with other applicable laws and regulations, arrange for funding the cost of such additional audits. Such additional audits or reviews include financial audits, performance audits, and program evaluations.

§ 29b.10 Frequency of audit.

Audits shall usually be performed annually but not less frequently than every two years.

§ 29b.11 Sanctions.

No audit costs may be charged to Federal awards when audits required by this part have not been made or have been made but not in accordance with the provisions of this part. In cases of continued inability or unwillingness to have a proper audit made in accordance with this part, the Department shall consider appropriate sanctions including:

- (a) Withholding a percentage of awards until the audit is completed satisfactorily;
- (b) Withholding or disallowing overhead costs, or
- (c) Suspending Federal awards until the audit is made.

§ 29b.12 Audit costs.

The cost of audits made in accordance with the provisions of this part are allowable charges to Federal awards. The charges may be considered a direct cost or an allocated indirect cost, determined in accordance with the provisions of OMB Circulars A-21, "Cost Principles for Educational Institutions," or A-122, "Cost Principles for Nonprofit Organizations," 48 CFR part 31 of the Federal Acquisition Regulations (FAR) or other applicable cost principles or regulations.

§ 29b.13 Auditor selection.

In arranging for audit services, institutions shall follow the procurement standards prescribed by OMB Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations."

§ 29b.14 Small and minority audit firms.

(a) Small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in contracts awarded to fulfill the requirements of this part.

(b) Recipients of Federal awards shall take the following steps to further this goal:

- (1) Ensure that small audit firms and audit firms owned and controlled by socially and economically disadvantaged

individuals are used to the fullest extent practicable;

(2) Make information on forthcoming opportunities available and arrange timeframes for the audit to encourage and facilitate participation by small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals;

(3) Consider in the contract process whether firms competing for larger audits intend to subcontract with small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals;

(4) Encourage contracting with small audit firms or audit firms owned and controlled by socially and economically disadvantaged individuals which have traditionally audited government programs, and in cases where this is not possible, assure that these firms are given consideration for audit subcontracting opportunities;

(5) Encourage contracting with consortiums of small audit firms as described in paragraph (b)(1) of this section when a contract is too large for an individual small audit firm or audit firm owned and controlled by socially and economically disadvantaged individuals; and

(6) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration in the solicitation and utilization of small audit firms or audit firms owned and controlled by socially and economically disadvantaged individuals.

§ 29b.15 Scope of audit and audit objectives.

(a) The audit shall be made by an independent auditor in accordance with "Government Auditing Standards" developed by the Comptroller General of the United States covering financial audits. An audit under this part should be an organization-wide audit of the institution. However, there may be instances where Federal auditors are performing audits or are planning to perform audits at nonprofit institutions. In these cases, to minimize duplication of audit work, a coordinated audit approach may be agreed upon between the independent auditor, the recipient,